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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,923	09/18/2000	Takashi Noda	31762-166222	3888

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EXAMINER
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SHEW, JOHN

ART UNIT	PAPER NUMBER
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2664

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DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/663,923

Applicant(s)

NODA ET AL.

Examiner

John L. Shew

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12, 15, 18, 21 is/are allowed.
- 6) ☒ Claim(s) 1-7, 13, 14, 16, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. in view of Shaffer et al. Schuster teaches a network interface apparatus (Fig. 2) represented by the transmitter 12, connecting a communication terminal (column 8 lines 44-48) represented by a telephone, to an IP network 18; comprising an input circuit for receiving data 14 to be transferred from the communication terminal, a transmitter 12 for transferring a packet to the IP network 18, an interface circuit is inherent for the connection to an IP network, a packetizer circuit 24 for packetizing the data to be transferred into the packet. Schuster does not teach a control circuit operative to use delay information for controlling the packetizer to adjust the packet size / transfer rate nor a memory circuit for storing packet size data. Schaffer teaches an apparatus with a control program (column 3 lines 11-15) to vary the packet size based on delay information, such a control program (column 5 lines 39-42). The variation to the packet-length inherently changes the transfer rate of packet data. The

shorter packet-length has a faster transfer rate of packet data while the longer packet-length has a slower transfer rate of packet data. The control program (column 5 lines 39-42) inherently resides on a memory medium. Further, this memory medium can store other variables associated to the delay information for the adjustment of packet sizes (column 5 lines 53-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network interface apparatus of Schuster by the delay control apparatus of Schaffer for the purpose of minimizing end-to-end delays caused by network traffic and network topology between two IP devices.

3. Claims 3, 5, 6 and 7 are rejected by claims 1, 2 and 4 above and by Schuster's teachings of a combined transmitter/receiver (column 8 lines 57-65), particularly a receiver 20 (Fig. 2) for receiving a packet transmitted over the IP 18 and an output circuit 46 for depacketizing the packet and outputting the data to the communication terminal 22.

4. Claims 13 and 14 are rejected by claims 1, 2 and 4 above and by Schuster inherently teaches the capturing an image of a document in the form of fax signals for real-time media data (column 6 lines 60-65).

5. Claims 16 and 17 are rejected by claims 1, 2, 3, 4, 5, 6 and 7 above. The reception of data from the communication terminal is inherent to the Schuster's input media 14. Shaffer's teaching of variation of packet size further discloses a method for

calculation of packet-length (FIG. 4), incorporates determining a delay in transmission over the IP network (Steps 48, 50), packetizing the data to be transferred into a packet (Step 54) and adjusting the size of the packet on the basis of the delay determined (Step 52). The transfer of the packet to the IP network having the size adjusted is inherent to Schuster's output media 22. The adjustment of the transfer rate based on the delay is inherent to the change in packet-length.

6. Claims 19 and 20 are rejected by claims 1-7, 16 and 17 above and by Shaffer's teaching of a control program (column 3 lines 11-15). The program inherently resides on a storage medium for storing the procedure stated in FIG. 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network interface apparatus of Schuster by the delay control apparatus of Schaffer to reside on a storage medium for the purpose of minimizing end-to-end delays caused by network traffic and network topology between two IP devices.

***Allowable Subject Matter***

7. Claims 8-12, 15 and 21 are allowed. The prior art does not disclose the use of packet coupling in determination of packetization for data transfer.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Qaddoura, Beshai, Ohtsuki and Rathonyi discloses related prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Shew whose telephone number is 703-305-8708. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

js



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